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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,599	07/11/2003	Jean-Marie R. Dautelle	RTN-171AUS	2932
33164 7590 12/11/2007 RAYTHEON COMPANY C/O DALY, CROWLEY, MOFFORD & DURKEE, LLP 354A TURNPIKE STREET SUITE 301A CANTON, MA 02021			EXAMINER BRIER, JEFFERY A	
			ART UNIT 2628	PAPER NUMBER
			MAIL DATE 12/11/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/617,599	Applicant(s) DAUTELLE, JEAN-MARIE R.	
	Examiner Jeffery A. Brier	Art Unit 2628	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 October 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15, 17, 19, 20 and 24-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15, 17, 19, 20, and 24-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/26/2007 has been entered.

### ***Response to Amendment***

2. The amendment filed on 10/26/2007 has been entered.

### ***Response to Arguments***

3. Applicant's arguments filed 10/26/2007 have been fully considered but they are not persuasive.

The argument concerning the 35 USC 112 first paragraph issues at pages 9-11 have been fully considered as well as the amendments to claim 1 lines 3-6, claim 8 lines 11-14, and claim 15 lines 14-17, but the arguments and amendments are not persuasive to overcome the rejection because lines 3-6 and 11-14 of claim 1, lines 3-6 and 11-14 of claim 8, and lines 14-17 and 21-22 of claim 15 are not disclosed by applicants specification, see page 8 line 29 to page 9 line 10, because CPU 38b and not

3DGC 38c processes two-dimensional scene graph object command (create 36b) into two-dimensional scene graph data (scene graph 38d).

The argument concerning the 35 USC 112 second paragraph issues have been fully considered.

The issue concerning generating and processing is overcome in view of applicants arguments.

The issue concerning alternative language is overcome in view of applicants amendments.

The issue of antecedent basis is maintained since applicants amended the claims at incorrect locations, see the following analysis.

Additional indefinite issues have been noted in the amendments to the claims and are elaborated below.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1-15, 17, 19, 20, and 24-29 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

All of the claims have been amended to claim an application programming interface that processes two-dimensional scene graph object commands and two-dimensional scene graph display commands while the specification describes an application programming interface that receives and processes create command 36b and render display command 36a described at page 8 line 29 to page 9 line 17 or 166a, 166b, and 167 described at page 12 line 19 to page 13 line 7 or 2D scene graph display commands described at page 14 line 26 to page 16 line 2 and does not receive and process two-dimensional scene graph object commands. Lines 3-6 and 11-14 of claim 1, lines 3-6 and 11-14 of claim 8, and lines 14-17 and 21-22 of claim 15 claim the three dimensional graphics module generates two-dimensional scene graph data and which is not disclosed by applicants specification, see page 8 line 29 to page 9 line 10, because CPU 38b and not 3DGC 38c processes two-dimensional scene graph object command into two-dimensional scene graph data. Thus, the originally filed specification does not convey applicant had possession of an application programming interface that processes two-dimensional scene graph object commands (create 36b) and two-dimensional scene graph display commands (render 36a) at the three dimensional graphics module (3DGC 38c) into two-dimensional scene graph data (scene graph 38d), see application's specification at page 8 line 29 to page 9 line 17.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-15, 17, 19, 20, and 24-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 8:

Claim 1 at lines 9-10 and claim 8 at line 10 "the three-dimensional graphics circuit module" lacks antecedent basis in the claim.

Claim 1 at line 11 and claim 8 at lines 11-12 "a three-dimensional graphics circuit module" does not clearly refer to the previously "the three-dimensional graphics circuit module" or to a new "three-dimensional graphics circuit module".

Claim 1 at lines 12-13 and claim 8 at lines 12-13 "the at least one two-dimensional scene graph object command" lacks antecedent basis in the claim due to the amendment at claim 1 line 5 and claim 8 line 5.

Claim 1 at line 25 and claim 8 at lines 26-27 claim "the at least one two-dimensional object stored in the local memory" lacks antecedent basis in the claim since claim 1 at lines 15-18 and claim 8 at lines 15-19 store "the two-dimensional scene graph data". Lines 13 and 14 of both claims are noted but they do not clarify from which data the "at least one two-dimensional image is derived.

Claim 15:

Claim 15 at lines 27-28 claim "the two-dimensional object stored in the local memory" lacks antecedent basis in the claim since claim 15 at lines 21-22 store "the two-dimensional scene graph data". Lines 6 and 7 are noted but they do not clarify from which data the "at least one two-dimensional image is derived.

***Claim Objections***

8. Claim 29 is objected to because of the following informalities: at line 2 "is generates" should be "generates". Appropriate correction is required.

9. A proper prior art analysis of the claims cannot be made because the metes and bounds of the claims are not definite and because the specification does not support and clarify the claims. Thus, a prior art rejection or an indication of allowability cannot be made with the currently pending claims. In re Steele, 305 F.2d 859, 134 USPQ 292 (CCPA 1962) (it is improper to rely on speculative assumptions regarding the meaning of a claim and then base a rejection under 35 U.S.C. 103 on these assumptions).

***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery A Brier whose telephone number is (571) 272-7656. The examiner can normally be reached on M-F from 7:30 to 4:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael

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Razavi, can be reached at (571) 272-7664. The fax phone Number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Jeffery A. Brier/  
Primary Examiner, Division 2628